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RECEIVED
JUN 17 2011
MANAGEMENT
STB
Of Counsel to:
Vuono & Gray, LLC
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
(412) 471-4477 FAX

June 9, 2011

230118

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: C&NC Railroad, LLC – Lease Renewal Exemption – Norfolk Southern Railway
Company; STB Finance Docket No. 35529

Dear Ms. Brown:

Enclosed please find the original and ten copies of the Motion of C&NC Railroad, LLC to consider its lease renewal exemption filed in the above captioned proceeding, as a Notice of Exemption under 49 C.F.R. §1150.41. We are advised by the Office of Proceedings that the Notice of Exemption procedures at 49 C.F.R. §1180.2(d)(4) are inapplicable to this exemption in that there are minor changes to the new lease agreement from that initially approved by the Board in Finance Docket No. 33475, C&NC Railroad Corporation – Lease and Operation Exemption – Lines of Norfolk Southern Railway Company, et al. served October 31, 1997.

Please date and time stamp the extra copy of this Motion and return it to the undersigned in the enclosed self addressed, stamped envelope provided for that purpose.

Very truly yours,

RICHARD R. WILSON, P.C.

Richard R. Wilson

Richard R. Wilson, Esq.

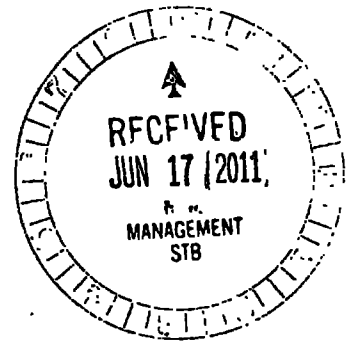
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Office of Proceedings

JUN 17 2011

Part of
Public Record

RRW/bab
Enclosures
xc: C&NC Railroad, LLC

BEFORE THE
SURFACE TRANSPORTATION BOARD



STB FINANCE DOCKET NO. 35529

C&NC RAILROAD, LLC
-LEASE RENEWAL EXEMPTION-
NORFOLK SOUTHERN RAILWAY COMPANY

MOTION FOR NOTICE OF EXEMPTION
UNDER 49 C.F.R. §1150.41

Richard R. Wilson, Esq.
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Attorney for C&NC Railroad, LLC

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BEFORE THE
SURFACE TRANSPORTATION BOARD

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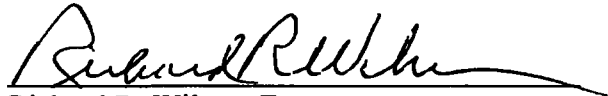
MOTION FOR NOTICE OF EXEMPTION
UNDER 49 C.F.R. §1150.41

C&NC Railroad, LLC ("C&NC") hereby moves that the Notice of Exemption in the above captioned proceeding filed May 31, 2011 under 49 C.F.R. §1180.2(d)(4) be treated as a Notice for Exemption under 49 C.F.R. §1150.41 in as much as the lease agreement between C&NC and Norfolk Southern Railway Company ("NS") has changes which distinguish it from the original lease agreement between C&NC and NS approved by the Board in Finance Docket No. 3347, C&NC Railroad Corporation – Lease and Operation Exemption – Lines of Norfolk Southern Railway Company, et al, served October 31, 1997. Those changes are described in C&NC's May 31, 2011 Notice of Exemption under the caption "Interchange Commitment" which describes a new lease credit provision requested by C&NC and anticipated service discontinuances and abandonments of minor track segments of less than several hundred feet that serve no shippers.

Accordingly, C&NC respectfully requests that the Board consider its Verified Notice of Exemption as filed under 49 C.F.R. §1150.41. The required certification of Class III carrier revenues and the Caption Summary are appended hereto at Attachment A and B.

In all other respects, the C&NC Notice of Exemption filed on may 31, 2011 provides the necessary information required by 49 C.F.R. §1150.43. C&NC therefore respectfully requests that its motion be granted and that its Notice of Exemption be approved pursuant to 49 C.F.R. §1150.41.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard R. Wilson", with a long horizontal flourish extending to the right.

Richard R. Wilson, Esq.
518 N. Center Street, Ste. 1
Ebensburg, PA 15931
(814) 419-8152

Attorney for C&NC Railroad, LLC

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COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF CAMBRIA)

I, Spencer N. Wendelin, being duly sworn deposes and says he is the Manager of the C&NC Railroad, LLC an Indiana corporation, and that the projected annual revenues from the rail operations will not exceed those that would make it a Class III carrier under 49 C.F.R. Part 1201 (1-1) and would not exceed \$5 million.

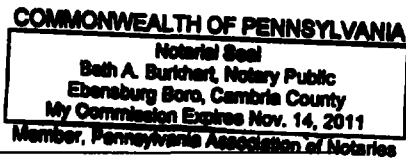
Spencer N. Wendelin
Spencer N. Wendelin

Subscribed and sworn to before me this 9th day of June, 2011.

Beth A. Seukunt
Notary Public

(SEAL)

My Commission Expires:



SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 35529

C&NC RAILROAD, LLC – LEASE RENEWAL EXEMPTION -
NORFOLK SOUTHERN RAILWAY COMPANY

C&NC Railroad, LLC, ("C&NC") has filed a Notice of Exemption to operate over about 21 miles of rail line from Beesons, IN, M.P. CB5.4 to M.P. 25.30 in New Castle, IN and from M.P. R0.1 to M.P. R1.16 at New Castle, IN leased from Norfolk Southern Railway Company.

The transaction is scheduled to take place upon or after the effective date of this Exemption Notice. C&NC certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenue will not exceed \$5 million.

If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. may be filed at any time. The filing of a Petition to Revoke will not automatically stay the transaction. Petitions to stay must be filed no later than 7 days before the exemption becomes effective.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35529 must be filed with the Surface Transportation Board, 395 E. Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Richard R. Wilson, Esq., 518 N. Center Street, Ste. 1, Ebensburg, PA 15931, (814) 419-8152, rwilson@rrwilson.net.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.